

In the High Court of Judicature at Madras

Dated : 28.12.2017

Coram :

The Honourable Mr.Justice M.S.RAMESH
and
The Honourable Mr.Justice G.R.SWAMINATHAN

Writ Petition No.34065 of 2017 & WMP.No.37800 of 2017

1.B.Jothi Ramalingam (a)
B.Jothiraman

2.B.Rajendran

3.B.Natarajan

4.B.Vivekanandan (a)
B.R.Vijayamurugan

5.B.Ganesh

...Petitioners

Vs

1.The State of Tamil Nadu, rep.by
its Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-9.

2.The Greater Chennai Corporation,
rep.by its Commissioner,
Rippon Buildings, Chennai-3.

3.The Executive Engineer,
Zone V, Greater Chennai
Corporation, No.61, Basin Bridge
Road, Chennai-21.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus forbearing the second and third respondents from in any way interfering with their premises at door old No.39, new No. 48, Chinnathambi Mudali Street, Chennai-1 comprised in R.S.No.5772/2, Block No.51 of V.O.C. Nagar Village, Chennai more particularly by way of locking sealing and demolition of the same pending final determination of the special revision petition and stay petition dated 25.9.2017 filed under Sections 80(A) and 80-A(3) of the Tamilnadu Town and Country Planning Act with the 1st respondent.

For Petitioners : Mr.G.V.Sridharan
For Respondent-1 : Mr.T.N.Rajagopalan, SGP
For Respondents 2 & 3 : Mr.A.Nagarajan

Order of the Court was made by M.S.RAMESH,J

Mr.T.N.Rajagopalan, learned Special Government Pleader accepts notice for the first respondent. Mr.A.Nagarajan, learned Standing Counsel accepts notice for respondents 2 and 3.

2. The writ petition has been filed by the petitioners seeking to forbear respondents 2 and 3 from in any way interfering with the petitioners' premises at old No.39, new No. 48, Chinnathambi Mudali Street, Chennai-1 comprised in R.S.No.5772/2, Block No.51 of V.O.C. Nagar Village, Chennai more particularly by way of locking sealing and demolition of the same pending final determination of the special revision petition and stay petition dated 25.9.2017 filed under Sections 80(A) and 80-A(3) of the Tamilnadu Town and Country Planning Act with the first respondent.

3. It stated by the petitioners that they are the joint owners of the subject property. They acquired the said property by way of a sale deed dated 11.11.2010. According to the petitioners, though they obtained an approved plan for the construction of residential and commercial building, while constructing the building, the petitioners made some minor additions and alteration to suit their needs. The petitioners state that they let out some portions in the subject property. While so, the third respondent issued a stop work notice to the petitioners calling for approved plan. The petitioners furnished all the documents pertaining to the property in question including the plan approval from the Corporation of Chennai. Again, the third respondent issued the locking and sealing notice dated 06.5.2016 to the petitioners and also the deoccupation notice dated 15.9.2017 to the tenants of the petitioners. Immediately, the petitioners approached the first respondent by filing a special revision petition under Section 80(A) of the Tamil Nadu town and Country Planning Act and a stay petition under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act on 25.9.2017 and the same are still pending. Apprehending that the respondents would initiate coercive action, the petitioners have come forward with the above writ petition.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the revision and the stay petition filed by the petitioners on 25.9.2017 and pass

appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioners, within three months from the date of receipt of a copy of this order. Till the disposal of the revision, no coercive steps shall be taken by the respondent authorities.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected WMP is closed.

Sd/-

Vacation Officer

//True copy//

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,Housing & Urban Development

Department, Fort St. George, Chennai-9.

2.The Commissioner, Greater Chennai Corporation, Rippon Buildings,

Chennai-3.

3.The Executive Engineer, Zone V, Greater Chennai Corporation, No.61,

Basin Bridge Road, Chennai-21.

+lcc to Mr.N.sridharan, Advocate SR.No.92598

+lcc to Mr.A.Nagarajan, Advocate SR.No.92621

+lcc to Government Pleader SR.No.92663

सत्यमेव जयते

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GN(02/01/2018)

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